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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

Republic of Bulgaria*

[26 June 1996]

* This document contains the twelfth, thirteenth and fourteenth (consolidated) periodic reports due on 5 January 1992, 5 January 1994 and 5 January 1996. For the eleventh periodic report of the Republic of Bulgaria and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/SR.918-919.

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I. GENERAL

1. More than six years have elapsed since 10 November 1989 when the totalitarian regime in Bulgaria was brought to an end. This was followed by radical changes in the political, economic and social spheres, so the Bulgarian society consequently set out to build a genuine democracy based on the rule of law, political pluralism, free market economy, and respect for and observance of human rights and fundamental freedoms. Free and democratic elections were held for a Grand National Assembly (June 1990), followed by general parliamentary elections (October 1991, December 1994), direct presidential elections (January 1992) and local government elections (mayors and municipal counsellors, October 1991, November 1995). This logically led to new cabinets. The principle of the division of power among the executive, legislative and judicial branches is well established and adhered to in Bulgaria.

2. Since 1990 the Republic of Bulgaria has been going through a very difficult period of transition towards free market relations. The country's economy has been dramatically liberalized through the introduction of a monetary strategy for reforms. Better opportunities for development have been provided to individual and social initiatives of citizens. At the same time, however, these new conditions have created unheard-of difficulties resulting in a serious drop in production, mass unemployment, marginalization of wide strata of the population and a steep rise in the crime rate. The loss of traditional markets in Eastern and Central Europe and in the Middle East, coupled with the economy's enormous losses as a result of Bulgaria's strict compliance with the United Nations-imposed sanctions on Iraq, the Libyan Arab Jamahiriya, and the States of the former Yugoslavia, had a major impact and added to the economic difficulties of Bulgaria.

3. The basic document guaranteeing the fundamental rights and freedoms of the citizens in the Republic of Bulgaria is the Constitution* adopted by the Grand National Assembly on 12 July 1991. It affirms the human values for freedom, peace, humanism, equality, justice and tolerance. It also upholds the supremacy of the principle of the individual's rights, his/her dignity and security, and proclaims as the supreme duty the upholding of the national and State unity of Bulgaria. It also proclaims the determination of the Bulgarian people to create a democratic and social State based on the rule of law. Chapter Two of the Constitution, entitled "Basic Rights and Duties of Citizens", contains the provisions affirming these rights and obligations which are entirely in conformity with the logic and methodology of international human rights instruments, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

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* The eleventh periodic report of Bulgaria contained no information about the Constitution, since the latter was adopted after the preparation of that report. For this reason the present report describes in some detail the provisions of the Constitution dealing with the rights and freedoms of the individual and with measures to eliminate racial discrimination.

Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. Article 5 (4) of the Constitution stipulates that "... the international instruments, ratified constitutionally, and promulgated and entered into force for the Republic of Bulgaria, shall be considered as part of the national legislation. They shall have priority over those norms of national legislation which are not in conformity with them." This fully applies to the International Convention on the Elimination of All Forms of Racial Discrimination as well.

5. Article 1 of the Constitution stipulates as follows:

"(1) Bulgaria is a republic with a parliamentary form of government.

"(2) The entire power of the State shall derive from the people and they shall exercise this power directly and through the organs established by this Constitution.

"(3) No part of the people, no political party nor any other organization, state institution or any individual, shall usurp the exercise of the people's sovereignty."

6. Article 6 stipulates as follows:

"(1) All individuals are born free and equal in dignity and rights.

"(2) All citizens shall be equal before the law. There shall be neither restrictions on the rights nor any privileges on account of race, nationality, ethnic origin, sex, descent, religion, education, convictions, political affiliation, personal and social status or property status."

7. Article 11 deals with the political life in the Republic of Bulgaria, based on the principle of political pluralism. At the same time paragraph 4 states as follows:

"There shall be no political parties formed on ethnic, racial or religious basis, nor parties seeking to take over by force the power of the State."

8. The above provision shall be read in conjunction with article 44 (2):

"(2) Any organization conducting activities against the country's sovereignty and its territorial integrity, against the unity of the nation, and trying to foment racial, nationalistic, ethnic or religious hatred, and to violate the rights and freedoms of citizens, as well as any organization which creates clandestine or paramilitary structures in order to attain its objectives by violence, shall be prohibited."

9. Since 1991, Bulgaria's national legislation has been considerably amended and supplemented by the adoption of new laws regulating civil, political, economic, cultural and social rights of the individual, and providing legal guarantees for their exercise, thus bringing them up to date and in conformity with universal and European standards. Both the amended and new legislation directly concern Bulgaria's implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Listed below are those new laws which have a direct bearing on human rights and fundamental freedoms of the individual in the Republic of Bulgaria and on the fight against racial discrimination:

Law on Amnesty and Release from Serving Time under Imposed Sentences (State Gazette No. 6, dated 19 January 1990);

Law on Assembly, Rallies and Demonstrations (State Gazette No. 10, dated 2 February 1990);

Law on Names of Bulgarian Citizens (State Gazette No. 20, dated 9 March 1990, and amended in No. 94 of 1990);

Law on Political Parties (State Gazette No. 29, dated 10 April 1990, and amended in No. 87 of 1990 and No. 89 of 1990);

Law on Amnesty and Restitution of Sequestered Properties (State Gazette No. 1, dated 4 January 1991);

Law on Political and Civil Vindication of Repressed (Persecuted) Persons (State Gazette No. 50, dated 25 June 1991, and amended in No. 52 of 1994);

Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin, Who Applied for Permission to Go to the Republic of Turkey and Other Countries during the Period of May-September 1989 (State Gazette No. 66, dated 14 August 1992);

Law on Ownership and Use of Agricultural Lands (State Gazette No. 17, dated 1 March 1991, and subsequently amended, the latest being in No. 60 of 1995);

Law on Commerce and Trade (State Gazette No. 48, dated 18 June 1991, and subsequently amended, the latest being in No. 63 of 1995);

Law on Patents (State Gazette No. 27, dated 2 April 1992);

Law on Transformation and Privatization of State-Owned and Municipality-Owned Enterprises and Companies (State Gazette No. 38, dated 8 May 1992, amended and supplemented in No. 51 of 1994 and Nos. 45, 57 and 109 of 1995);

Law on Copyright and Neighbouring Rights (State Gazette No. 56, dated 29 June 1993, and amended in No. 63 of 1994);

Law on Higher Education (State Gazette No. 112, dated 27 December 1995);

Law on Defense and Armed Forces of the Republic of Bulgaria (State Gazette No. 112, dated 27 December 1995);

Law on Protection, Rehabilitation and Social Integration of Disabled (State Gazette No. 112, dated 27 December 1995).

10. A number of major amendments have been made to the Labour Code, the Law on Foreign Travel Passports, the Law on Public Health, the Law on Inheritance, the Law on Retirement Benefits and Pensions, the Penal Code, etc. A large number of administrative regulations, detailing the provisions of the laws cited above, have also been adopted.

11. In June 1994, Parliament passed a law on the reform of the judiciary, which established the legal set-up of the structure and functions of the courts, including the Supreme Court of Cassation, and the Supreme Administrative Court (as provided for in articles 124 and 125 of the Constitution). These two institutions which according to the Constitution shall be empowered with exercising "supreme judicial supervision as to the precise and equal application of the law by all courts" (Supreme Court of Cassation), and with exercising "supreme judicial supervision as to the precise and equal application of the law in administrative justice" (Supreme Administrative Court), have not yet been established.

12. The Republic of Bulgaria also made a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination thereby recognizing the competence of the Committee on the Elimination of Racial Discrimination "to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State of any of the rights set forth in this Convention." The Republic of Bulgaria also made similar declarations under article 41 of the International Covenant on Civil and Political Rights, and under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These declarations were approved by the Law on Withdrawal of Reservations and Adoption of Declarations as provided in International Treaties (State Gazette No. 30, dated 9 April 1993).

13. The Republic of Bulgaria ratified the Optional Protocol to the International Covenant on Civil and Political Rights in 1991 (State Gazette No. 103, dated 24 December 1991).

14. Regarding the reservations originally made under article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, and under other international and regional treaties, the Republic of Bulgaria passed a Law on Adoption of a Declaration Recognizing the Mandatory Jurisdiction of the International Court of Justice and Withdrawing Any Reservations Under Respective Articles as Provided in Those Instruments (State Gazette No. 4, dated 19 May 1992).

15. The Republic of Bulgaria was admitted to full membership in the Council of Europe in May 1992. It ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its First Protocol on 31 July 1992. By passing a special legislation the Republic of Bulgaria made

a declaration recognizing the competence of the European Commission on Human Rights and the jurisdiction of the European Court of Human Rights to consider communications from individuals, non-governmental organizations and groups of individuals claiming violations of their rights under the European Convention (State Gazette No. 66, dated 14 August 1992). The Republic of Bulgaria has also ratified the European Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

II. INFORMATION RELATING TO ARTICLES 2-7 OF THE INTERNATIONAL CONVENTION

Article 2

16. Article 6 of the Constitution furnishes the solid ground and directions and guarantees that all citizens in the Republic of Bulgaria are equal before the law and that there shall be neither restrictions of rights, nor any privileges, based on race, nationality, ethnic origin, sex, descent, religion, education, convictions, political affiliation, personal and social status or property status. The legislation, including the laws mentioned in paragraph 9 above, regulate the respect for, and the observance of, all human rights and fundamental freedoms.

17. In the Special Section of the Penal Code, chapter III entitled "Crimes against Rights of Citizens", there is a special subchapter I entitled "Crimes against National and Racial Equality". Article 162 provides for up to 3 and up to 6 years of imprisonment, whereas article 163 provides for up to 15 years of imprisonment for assaults upon groups of the population, individual citizens or their property because of their nationality or race, for propagating or inciting racial or national hatred or racial discrimination, or for setting up, taking part in and leading any organization or any group having such objectives.

18. Article 172 of the Penal Code has been amended to the effect that any intentional creation of obstacles with the aim of barring citizens from taking jobs or coercing them to leave their jobs because of their racial origin shall be considered a criminal offence against the labour rights of citizens.

19. A number of amendments and supplements have been made to the penal legislation concerning the protection of human rights against manifestations of racial discrimination. A new article has been included in the Penal Code, namely 169 (b), which provides for penalties for acts and actions barring a person or persons from exercising their political rights guaranteed by the Constitution. At the same time, a number of acts which, prior to the major changes of 10 November 1989, were found to constitute a criminal offence, have been subsequently decriminalized, thereby fully restoring the exercise of certain civil and political rights of citizens. A number of articles in the Penal Code (chapter VIII entitled "Crimes against Activities of State Organs and Public Organizations", subchapter I entitled "Crimes against Order of Government"), have been revoked: article 273 which provided for up to two years of imprisonment or hard labour for intentional dissemination of false statements, creation of distrust towards the Government or spreading unrest in the society; article 280 which provided for up to three years of imprisonment and a fine for Bulgarian citizens who had legally left the

country but had failed to return without valid reasons; article 281 which provided for up to one year of imprisonment or hard labour for any Bulgarian citizen who had left the country as part of an officially organized group but had not returned.

20. A number of laws, such as the Law on Names of Bulgarian Citizens, the Law on Amnesty and Restitution of Sequestered Properties, the Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin, Who Applied for Permission to Go to the Republic of Turkey and Other Countries during the Period of May-September 1989, created legal guarantees for the restoration and protection of the rights of the Bulgarian citizens of Turkish origin.

21. A number of institutions have been established which directly or indirectly help the exercise and protection of basic human rights, and the fight against racial discrimination. Among them are the Constitutional Court, the Parliamentary Commission on Human Rights and Religious Denominations, the Parliamentary Commission on Education, Sciences and Culture, the National Council on Social and Demographic Problems which is an organ of the Council of Ministers. The National Police, the Central Bureau on Organized Crime and others have been given additional powers to defend basic human rights and fundamental freedoms. The President of the Republic has a special counsellor on ethnic questions who cooperates with the executive, legislative and judicial branches of power and with non-governmental organizations as well. In the field of local government, mayors and municipal counsellors are responsible for curbing discrimination and intolerance. There are also voluntary organizations of different ethnic groups which, in addition to conducting their cultural and educational activities, are also engaged in efforts to protect human rights and to fight racial discrimination. There are several non-governmental organizations whose prime activities are exclusively focused on human rights: Bulgarian Helsinki Committee, Helsinki Watch, Human Rights Committee, International Centre on Minority Problems and Cultural Relations, Minority Rights Protection Committee, etc.

22. There is an ongoing process on the national and local levels aimed at amending, supplementing and repealing laws and normative acts which may, in one way or another, provide a basis for discrimination.

23. The elimination of all forms and manifestations of racial discrimination in the Republic of Bulgaria is an objective occupying an important part of the activities of the executive, legislature and the judiciary. Yet, there are still some manifestations of racial discrimination in the country, particularly towards Bulgarian citizens of Roma origin. This requires more concerted efforts and effective measures to remove and prevent their recurrence.

24. Though the official authorities have been making all efforts to guarantee the rights and freedoms of Bulgarian citizens and their integration in society regardless of race, nationality or ethnic origin, the process of removing barriers between the basic component of the Bulgarian people on the one hand, and Bulgarian citizens of various ethnic origins on the other, has proven to be a difficult one and more efforts are being made to continue with it until it is completed.

Article 3

25. The Republic of Bulgaria categorically condemns racial segregation and apartheid whether as isolated manifestations or as an official State policy. As a party to the International Convention, the Republic of Bulgaria has condemned, as a matter of principle, the policy of apartheid pursued by the Republic of South Africa for many years. In this connection, the Republic of Bulgaria has welcomed wholeheartedly the decisive changes and reforms in the Republic of South Africa in recent years which have ended the State policy of apartheid. At present, the Republic of Bulgaria maintains normal diplomatic, economic and other relations with the Republic of South Africa.

26. The Republic of Bulgaria has ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports. Bulgaria supported the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War, proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session in Paris, on 28 November 1978.

27. Article 417 of Bulgaria's Penal Code, in conjunction with article II (a) (i) and (ii) of the International Convention on the Suppression and Punishment of the Crime of Apartheid, provides for 10 to 20 years of imprisonment or capital punishment for a person who has been systematically sentenced by a court of law for suppressing any race or a group of persons.

28. Article 418 of the Penal Code provides for 5 to 15 years of imprisonment for a person who, in the meaning of article 417 of the Penal Code, has perpetrated the following offences:

(a) Illegal detention of members of a race or group and submitting them to forced labour (within the meaning of article II (a) (iii) and (e) of the International Convention on the Suppression and Punishment of the Crime of Apartheid);

(b) Taking action to prevent a race or a group of persons from participating in the political, social, economic and cultural life of the country, and deliberately creating obstacles to the development of such a racial group of persons, particularly by denying to their members basic human rights and fundamental freedoms as citizens (in the meaning of article II (c) of the International Convention on the Suppression and Punishment of the Crime of Apartheid);

(c) Taking measures to divide the population along racial lines by the creation of separate reserves and ghettos, to prohibit mixed marriages among members of various racial groups or to deprive them from ownership of their landed property (in the meaning of article II (d) of the International Convention on the Suppression and Punishment of the Crime of Apartheid);

(d) Depriving organizations or persons of their rights and fundamental freedoms because they oppose apartheid (in the meaning of article II (f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid).

29. Article 416 of the Penal Code provides for penal liabilities for the crime of genocide. Article 416 (2) provides for two to eight years of imprisonment for any person planning genocide, and article 416 (3) provides for one to eight years of imprisonment for any person inciting genocide.

30. Article 419 of the Penal Code provides for penal liabilities for any person deliberately allowing his/her subordinates to commit apartheid which is considered a crime against peace and humanity.

31. Any crime of apartheid or related offence committed on the territory of the Republic of Bulgaria shall be prosecuted under article 3 (1) of the Penal Code, even if the perpetrator has left the country. Article 4 (1) of the Penal Code provides for a penal liability for any Bulgarian citizen committing similar crimes in other countries.

32. Bulgarian legislation which has been amended to conform to international legal and juridical standards does not provide for statutory limitations for the crimes of genocide and apartheid.

33. As a member of the United Nations and other international organizations the Republic of Bulgaria has actively contributed to the elimination of apartheid and colonialism over the years.

Article 4

34. The Republic of Bulgaria does not challenge the mandatory character of article 4 (a), (b) and (c), as well as other similar provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

35. Bulgaria's Constitution and legislation provide the necessary guarantees for the protection of human rights and for counteracting forms and manifestations of racial discrimination, racist and other similar ideas and organizations. Both the Constitution and national legislation have been explicitly brought in conformity with the provisions of article 4 (a), (b) and (c) of the International Convention. Article 6 (1) of the Constitution proclaims that "All persons are born free and equal in dignity and rights", and article 6 (2) proclaims that "All citizens shall be equal before the law. There shall be no restrictions on the rights and no privileges on account of race, nationality, ethnic origin, sex, descent, religion, education, convictions, political affiliation, personal and social status or property status." Article 7 stipulates that "The State shall be held accountable for any damages caused by unlawful acts or actions by its organs and officials".

36. The Penal Code contains a number of provisions providing for penal liability for any person or persons and organizations whose activities fall within the purview of article 4 (a), (b) and (c) of the International Convention on the Elimination of All Forms of Racial Discrimination: in the

Special Section of the Penal Code, chapter III entitled "Crimes against Rights of Citizens", there is a special subchapter I entitled "Crimes Against National and Racial Equality".

37. Article 162 of the Penal Code states:

"(1) Any person propagating or inciting racial or national hatred or enmity, or racial discrimination, shall be liable up to three years of imprisonment and public censure."

"(2) Any person resorting to violence against another person or damaging his/her property for reasons of nationality, race, religion, or because of his/her political convictions, shall be liable up to three years of imprisonment and public censure."

"(3) Any person setting up or leading any organization or any group having the objectives to commit the offenses mentioned above, shall be liable to one to six years of imprisonment and public censure."

"(4) Any member of such an organization or a group shall be liable up to three years of imprisonment and public censure."

"(5) The court may also rule obligatory resettlement for crimes committed as described above."

38. Article 163 states:

"(1) Persons taking part in a mob with the intent to assault a group of people, individual citizens or their properties because of their national or racial origin, shall be punished as follows:

"1. Instigators and leaders shall be sentenced up to five years of imprisonment;"

"2. All others shall be sentenced to one year of imprisonment or hard labour."

"(2) If the mob or some of the participants are armed, they shall receive the following punishment:

"1. Instigators and leaders shall be sentenced to one to six years of imprisonment;"

"2. All others shall be sentenced up to three years of imprisonment;"

"(3) If an assault results in heavy bodily harm or death, instigators and leaders shall be sentenced to three to fifteen years of imprisonment, whereas all the rest shall be sentenced up to five years, if they are not liable to a heavier sentence."

39. Article 172 of the Penal Code provides the following:

> "(1) Anyone intentionally preventing a person from taking a job or forcing that person to leave his/her job because of his/her nationality, race, religion, social origin, membership or non-membership in a political party, organization, movement or political coalition, or because of his/her political and other convictions or because of those of their relatives, shall be sentenced up to three years of imprisonment or to pay a fine of up to 30,000 levas."
>
> "(2) Any public official failing to follow an order or a decision already in force, the effect of which is to reinstate a worker or an employee wrongly dismissed, shall be sentenced up to three years of imprisonment."

40. There have been a number of conflicts between individuals on ethnic or religious grounds. Several years ago a number of similar cases involved Vietnamese citizens living in Bulgaria as migrant workers. Persons of the Roma ethnic group have also been subjected to assault. In 1994 a number of raids were carried out in Roma neighbourhoods. The most serious one took place in February and involved the Roma neighbourhood in the village of Dolno Belotintzi. The reason was that a Roma military serviceman, just drafted and deserting his unit, had committed a murder. The villagers became infuriated and repeatedly assaulted some 20 Roma families. Roma houses were destroyed. Old people and children were roughed up. A house was gutted by fire.

41. Most recently, at the end of 1995 and the beginning of 1996, a group of young people committed xenophobic assaults on persons of different national and ethnic origin. The National Police Bureau reported that skinheads had mugged two senior diplomats of the Embassy of the People's Republic of China in Sofia. According to the police, such groups remained unorganized. Nevertheless, the police continued to keep them under surveillance.

42. For their part, the judicial organs have been taking all necessary measures to discontinue and punish similar manifestations. There is no incitement to hatred among various ethnic groups of the population, nor harassment, on an organized and massive scale.

43. The Ministry of Justice and the National Investigation Service of the Republic of Bulgaria reported that there were four cases in the period 1994-1995 for crimes which fell under the purview of article 162 (1) of the Penal Code, namely, propagating and instigating racial and nationalistic hatred. The National Investigation Service maintained that the acts were of the lowest possible level of endangering public order and for that reason investigation and prosecution officials felt that the cases could be discontinued since they constituted petty misdemeanour with no criminal charges pressed forthwith. The Ministry of Justice reported that in the period of 1990-1995, eight cases were filed, in addition to the four above, for crimes falling under the purview of article 172 of the Penal Code. Eight persons received different sentences. The latest inquiry conducted by the Ministry of Justice, however, further established that those cases did not involve manifestations of racial discrimination.

44. Out of a number of individual complaints sent to the European Human Rights Commission citing the Government of the Republic of Bulgaria as the defendant, only one alleges racially discriminatory treatment. The complaint has been sent by a Bulgarian citizen of Roma origin, not yet of full age, who has, however, failed to prove that he has exhausted all legal remedies for redress under the Bulgarian judicial system to have his complaint tried in a court of law in Bulgaria. His allegations are yet to be substantiated.

Article 5

45. As pointed out in part I of the current report, Chapter Two of the Constitution contains the basic rights and duties of the citizens of the Republic of Bulgaria. These rights fully coincide with the rights listed in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In drafting the Constitution the Grand National Assembly took into account the basic provisions of article 5 of the International Convention, thereby recognizing and guaranteeing civil, political, economic, social and cultural rights of the citizens in the Republic of Bulgaria.

46. The Constitution and the new legislation, including amendments to the Penal Code and the Code of Criminal Procedure, guarantee freedom, equality and dignity to all persons in the Republic of Bulgaria. As cited above (see para. 35), article 6 (2) of the Constitution proclaims that all citizens shall be equal before the law, and that there shall be no restrictions on rights and no privileges on account of race, nationality, ethnic origin, sex, descent, religion, education, convictions, political affiliation, personal and social status or property status. Guarantees are also provided in articles 37 (1), (2), 39 (1), (2), 40 (2), 44 (2) and 54 (1) of the Constitution.

47. Articles 162 and 163 of the Penal Code provide corresponding punishment for crimes against national and racial equality, articles 164-166 for crimes against religion, articles 167-169 for crimes against political rights of citizens, article 172 for crimes against economic and political rights of citizens, and articles 416-418 for crimes of genocide and apartheid.

48. Equal treatment of persons before courts, tribunals and other judicial organs is also guaranteed by a number of laws, such as the Law on Names of Bulgarian Citizens (1990), the Law on Assembly, Rallies and Demonstrations (1990), the Law on Political Parties (1990), the Law on Political and Civil Vindication of Repressed (Persecuted) Persons (1991), the Law on Higher Education (1995), as well as the Penal Code, the Code of Criminal Procedure, the Labour Code, etc.

49. Article 28 of the Constitution stipulates that everyone shall have the right to life and that any attempt upon a human life shall be punished as a most severe crime. Furthermore, article 29 provides as follows:

> "(1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forced assimilation."

"(2) No one shall be subjected to medical, scientific or other experiments without his/her written consent."

50. Article 30 proclaims the following:

"(1) Everyone shall be entitled to his/her personal freedom and inviolability."

"(2) No one shall be detained or subjected to inspection, search and frisking or any other infringement on his/her inviolability, except under the conditions and procedures as provided by law."

"(3) State authorities may detain a citizen only in emergency cases specifically provided by law, whereby they shall immediately inform the judicial authorities. The latter shall, within 24 hours, rule on the legality of such a detention."

"(4) Everyone shall be entitled to a legal counsel from the moment of his/her detention or from the moment of his/her being charged for committing an offence"

"(5) Everyone shall be entitled to meet with his/her legal counsel in private. The confidentiality of such communications shall be inviolable."

51. Article 32 proclaims as follows:

"(1) The privacy of citizens shall be inviolable. Everyone shall be entitled to protection against any illegal interference with his/her private and family life, and against encroachments on his/her honour, dignity, and good reputation."

"(2) No one shall be under surveillance, photographed, filmed, taped and tap-wired or subjected to other similar actions without his/her knowledge, or despite his/her explicit lack of consent, except in those circumstances as provided by law."

52. The Constitution and legislation guarantee political rights of both citizens and non-citizens in the Republic of Bulgaria. Article 42 (1) of the Constitution stipulates that "every citizen above the age of 18, with the exception of those under interdiction or serving a prison sentence, shall be entitled to vote and elect State and local organs and to take part in national referendums". Article 65 guarantees the right of every Bulgarian citizen "above the age of 21 and not under interdiction or serving a prison sentence, to be eligible for election as a member of the National Assembly". Article 93 (2) stipulates that "any Bulgarian citizen by birth, above the age of 40, in possession of all the qualifications necessary to be elected member of the National Assembly, and who has resided in the country for five years immediately preceding the election, shall be eligible for President" (of the Republic of Bulgaria).

53. Article 35 of the Constitution guarantees the right of "everyone to chose his/her place of residence, to freedom of movement throughout the territory of

the country and to leave the country. This right shall not be restricted in any way other than by law, or for reasons of national security, public health, and to protect the rights and freedoms of other citizens". Bulgarian citizens are fully entitled to leave their country and to return without any restrictions. This right is irrevocable.

54. Article 25 (1), (2), (3), (4), (5) and (6) of the Constitution deals with the right to citizenship. "A Bulgarian citizen shall be anyone born of at least one parent of Bulgarian citizenship, or born on the territory of the Republic of Bulgaria, provided that he/she is not entitled to any other citizenship by virtue of origin. Bulgarian citizenship may also be acquired through naturalization. A person of Bulgarian origin shall acquire Bulgarian citizenship through an alleviated procedure. No Bulgarian citizen by birth shall be deprived of his/her Bulgarian citizenship. No citizen of the Republic of Bulgaria shall be expatriated or extradited to another State. Any Bulgarian citizen abroad shall be under the protection of the Republic of Bulgaria."

55. Article 27 of the Constitution deals with the rights of foreigners residing in the Republic of Bulgaria:

> "(1) Foreigners residing in the country legally shall not be expelled or extradited to another State against their will, except in circumstances as determined by law."
>
> "(2) The Republic of Bulgaria shall grant asylum to foreigners persecuted for their convictions and beliefs or for their activities in defence of internationally recognized rights and freedoms."
>
> "(3) The conditions and procedures for granting asylum shall be established by law."

56. The Law on Foreigners Residing in the Republic of Bulgaria and its Rules of Procedure establish the legal and social status of foreigners residing in the Republic of Bulgaria (State Gazette No. 93, dated 28 November 1972, subsequently supplemented and amended, the latest being promulgated in No. 27 of 1994). Foreign citizens may freely reside in the Republic of Bulgaria and are entitled to the rights and duties of Bulgarian citizens under domestic legislation and under the international instruments to which the Republic of Bulgaria is a party. Although there are no restrictions on the choice of place of residence and on the freedom of movement and travel throughout the country, foreign citizens shall register their residence in the Interior Ministry's passport offices. They shall abide by and respect Bulgaria's laws and public order, as well as the morale and traditions of the Bulgarian people.

57. Foreign citizens, including immigrants, shall not be eligible to vote in elections. Foreigners and immigrants shall not be eligible to political representation. Because dual nationality is permitted under Bulgarian legislation, there are a number of cases of political representation and of persons holding foreign citizenship.

58. There is no prohibition or restriction on associations of foreigners and immigrants, including the establishment of cultural organizations. There is no prohibition or restriction on the right of foreigners and immigrants to organize their own meetings, rallies and demonstrations. They can freely take part in any political party in Bulgaria.

59. In 1992-1994 the Council of Ministers adopted a number of normative acts regulating official policies towards refugees, territorial asylum, and international migration. In 1993 a Territorial Refugee Asylum Bureau was created to review and decide on applications for refugee status. Since then around 1,400 persons have applied for refugee status with only 80 having been granted it.

60. Bulgarian legislation and judicial and administrative practices on refugee problems have adopted a humane approach. This may be the reason why the Republic of Bulgaria is often used by refugees from other countries as a transiting point for seeking ways to enter West European countries.

61. Immigration problems with their complicated political, economic, social and humanitarian dimensions are comparatively new for the Republic of Bulgaria which lacks adequately processed statistical data for the dimensions, frequency and forms of these problems.

62. There is as yet no unified governmental concept or mechanism to inculcate tolerance towards refugee problems and asylum-seekers. Scientific research on these matters is still at the beginning. At the beginning of 1996 a working group, comprising representatives of a number of ministries and departments, began drafting a concept for a comprehensive legal system to tackle problems of foreigners residing in the Republic of Bulgaria.

63. The Interior Ministry reported that by 31 December 1995, 34,693 foreigners were registered as permanent residents in the Republic of Bulgaria and 40,838 held temporary resident permits. According to the Ministry there are no conflicts or recurring problems, though there were a few cases when foreigners were subjected to unorganized and sporadic acts of racial discrimination and xenophobia.

64. Bulgarian citizens are not restricted on grounds of ethnic, religious or racial affiliation in taking any public or government position. Under the Constitution, however, certain high-ranking governmental positions, mentioned earlier in this report, require that candidates hold only Bulgarian citizenship: the President of the Republic, the Prime Minister and members of the Cabinet, members of the National Assembly. This in effect means that candidates for such positions cannot occupy them unless they have revoked their foreign citizenship in advance. The same applies to mayors, district governors, judges, prosecutors, investigative magistrates, attorneys, the Interior Ministry personnel, military servicemen.

65. There were two cases in which the Constitution was in danger of being breached. At the end of 1992 the National Assembly passed a no-confidence vote on the Government of the Union of Democratic Forces, and the President of the Republic conferred a mandate upon the Bulgarian Socialist Party to nominate a candidate for Prime Minister. The BSP-nominated candidate,

however, turned out to have dual citizenship, despite his claim that he had officially revoked the foreign one. The President immediately withdrew the mandate. On 18 December 1994, general parliamentary elections were held in Bulgaria. Among the elected members was the Chairman of the Bulgarian Business Block. The Constitutional Court revoked his election on the ground that during the pre-election campaign and on the very day of the elections, that person had held both Bulgarian and foreign citizenship.

66. Article 46 of the Constitution, article 7 of the Family Code and article 96 of the Law of Persons and Family guarantee the right to marriage and the freedom of choice of a spouse: "Matrimony shall be a freely entered union between a man and a woman. Only a civil marriage shall be considered legal. Spouses have equal rights and obligations in matrimony and family." Bulgarian citizens often follow the widely accepted custom of coupling civil marriages with religious ones. The Penal Code (arts. 177 and 178) provides for penalties for persons violating the principle of freely entered marriages.

67. The right to own property individually or in association with other persons, just as the right to inherit, is proclaimed by the Constitution (art. 17 (1), (2), (4), (5)), as well as by a number of laws and by the Code of Civil Procedure. Article 17 (3) proclaims that private property shall be inviolable.

68. The right to freedom of thought, conscience and religion, is guaranteed by article 37 of the Constitution:

> "(1) The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic beliefs, shall be inviolable. The State shall assist in the maintenance of tolerance and respect among believers of different religious denominations, and between believers and non-believers as well."
>
> "(2) The freedom of conscience and religion shall not be directed against national security, public order, public health and morals, or against the rights and freedoms of other citizens."

Since 10 November 1989 these rights and freedoms have been fully restored and are now exercised by all without any restrictions.

69. The 1992 Census showed the following religious communities:

Bulgarian Eastern Orthodox	7,247,592
Muslim	1,110,295
Catholic	53,074
Protestant	21,878
Armenian-Gregorian	9,672
Jewish	2,580

Eighty-six per cent of all Bulgarian citizens claim to be Eastern Orthodox, 0.6 per cent are Catholics, and 0.2 per cent belong to different Protestant churches; 13.1 per cent of all Bulgarian citizens are Muslims, of whom 12.1 are Sunnis and 1.0 per cent Shiites. The Christians are ethnically different - Bulgarian, Roma, Russian, Armenian, Greek, Wallachian, Karakachan, Gagaouzi, etc. The same is true for the Muslims. Among them there are Bulgarian Turks, Bulgarian Musulmans (Pomaks), Romas, Tatars, etc. 97.9 per cent of all ethnic Bulgarians are Christians and 1.2 per cent Muslims. 98.9 per cent of the Bulgarian Turks are Muslims, 1.0 per cent are Christians, and 0.1 per cent belong to other religious denominations. 60.0 per cent of Bulgarian Romas are Christians, 39.4 per cent Muslims and 0.6 per cent of other religious denominations.

70. In addition to the above-mentioned ethnic groups (Bulgarian, Turkish, Roma), 55.3 per cent of Bulgarian citizens belonging to other ethnic groups are Muslims, 40.2 per cent are Christians, and 4.5 per cent are of other religious denominations.

71. The right to freedom of opinion and expression is guaranteed by articles 38 and 39 of the Constitution:

> "Article 38. No one shall be persecuted or restricted in his/her rights on account of his/her convictions, nor compelled nor forced to inform on his/her own or other person's convictions."

> "Article 39 (1). Everyone shall be entitled to express an opinion and to spread it by word, written or oral, by sound, image, or otherwise. (2) This right shall not be used to the detriment of the rights and good reputation of others, and for calling for a change by force of the established constitutional order, for perpetrating crimes, and for inciting hatred or violence against human beings."

72. The right to freedom of peaceful assembly and association is guaranteed by articles 43 and 44 of the Constitution, except in those cases provided for in article 44 (2), cited above, which prohibits organizations conducting activities against the sovereignty, territorial integrity of the country, the unity of the nation, or fomenting racial, nationalistic, ethnic or religious hatred, and violating the rights and freedoms of citizens, as well as organizations creating clandestine or paramilitary structures in order to attain their objectives by violence.

73. In a number of cases the court refused registration of a few political parties and organizations on the grounds of the above-mentioned article of the Constitution. Since 1990 the court has, on several occasions, refused registration to the "Ilinden" party with the argument that it has been propagating separatist ideas. In 1990 the court refused to register a Roma party with the argument that it was founded on ethnic grounds. The Turkish Democratic Party, which split from the Movement for Rights and Freedoms, was also refused registration. On the other hand, the Pomak Movement (Muslims of Bulgarian origin) was registered in 1994 without anyone challenging it. In 1991 the legality of the Movement for Rights and Freedoms was challenged under the pretext that it was an ethnic party of Bulgarian citizens of Turkish

origin. The Constitutional Court, however, ruled in its decision No. 4 of 21 April 1992 that the Movement for Rights and Freedoms had a legal status which did not contradict article 11 (4) of the Constitution. Consequently, that decision ensured the full-fledged participation of the Movement for Rights and Freedoms in the country's political life.

74. Bulgaria's Constitution and legislation also guarantee the economic, social and cultural rights of Bulgarian citizens. The right to work, free choice of profession and place of work, protection against unemployment, equal pay or equal work, just remuneration, social security, as well as the right to strike in order to defend collective economic and social interests, are guaranteed to everyone irrespective of race, nationality, ethnic origin, sex, religious and other beliefs and convictions and citizenship. This is explicitly guaranteed by the Constitution (arts. 48, 49, 50 and 51), the Law on Public Health, the Labour Code (arts. 1 (2), 8 (3) and 325), the Law on Foreigners Residing in the Republic of Bulgaria and the Rules establishing the procedure for granting work permits to foreigners, the Penal Code (art. 172 (1)), as well as by specific actions of the Ministry of Labour and Social Care, in particular the Ministry's National Employment Office, the Council of Ministers' normative Decrees Nos. 57 of 1989, 102 of 1990, 110 of 1991, 61, 135 and 209 of 1992, 149 of 1993 and 270 of 1994, tackling urgent problems of employment and unemployment, labour market reorientation and effective use of laid-off manpower, obligations of employers and the State in the efforts to overcome and discontinue unemployment.

75. The legal basis for guaranteeing the right to work is enshrined in article 48 of the Constitution. Unlike the previous Constitution of 1971, which claimed that the right to work was guaranteed while at the same time placing able-bodied citizens under the obligation to work, the current Constitution proclaims the obligation of the State to help in the exercise of the right to work with free choice of place and nature of work. The basic law tackling labour relations and the exercise of the right to work is the Labour Code which was fundamentally amended in 1992. The Labour Code's fundamental idea in article 1 (2) is "to ensure freedom and protection of work, as well as just and dignified working conditions". This idea is put into effect ensuring that the parties are free to enter and discontinue employment relations; it also determines working conditions on the basis of minimum standards as established by the Labour Code. Of particular importance was the amendment providing legal defence for labour rights of citizens.

76. As far as labour relations and obligations are concerned, article 8 (3) of the Labour Code does not permit any discrimination, privileges or restrictions on account of nationality, origin, sex, race, political and religious convictions and affiliations, membership in trade unions and other non-governmental organizations and movements, or social and material status.

77. A number of normative acts of the Council of Ministers are aimed at regulating the labour market and creating basic means through which the State helps citizens to exercise their right to work in conditions of unemployment: registration in employment offices of active job-seekers, information about job vacancies and possibilities for professional training and retraining, job vacancy reorientation, etc. This fully applies to all Bulgarian citizens,

irrespective of their national or ethnic origin, race, sex, religion, social and material status. The State is actively pursuing a policy aimed at social and economic integration of disadvantaged groups on the labour market.

78. The right of citizens to obtain professional training is guaranteed by article 53 (6) of the Constitution and articles 229-237 of the Labour Code. The Council of Ministers' Decree No. 57 (1989) regulates labour market reorientation and effective employment of laid-off manpower.

79. Since the start of political and economic reforms unemployment in Bulgaria has reached unprecedented dimensions. At the time of the 1992 Census, the unemployed constituted 16.4 per cent of the total labour force, reaching 21.4 in 1993. In October 1995 it was down to 14.7 per cent. The National Statistical Institute reported that there were 520,800 unemployed out of 3,932,488 able-bodied. This reduction, unfortunately, is not a steady trend. Unemployment continues to be one of the most serious problems, particularly when one takes into account the fact that young people with university, college and high school educations constitute an alarming number of the unemployed, whereas the greatest number can be found among the lesser skilled and unskilled labour. According to the National Statistical Institute data, by October 1995 there were 56.8 per cent unemployed in the 15-19 age-group, 32.7 per cent in the 20-24 age-group, and 17.3 per cent in the 25-29 age-group.

80. A number of specific measures have already been taken to train and retrain laid-off workers and employees. One of them is the Programme for Education, Qualification and Employment, approved by Decree No. 277 of 1993 of the Council of Ministers. The basic objective is to increase labour force professional qualities in ethnically mixed regions, and to ensure employment in those areas where labour is characterized by its low level of education and qualification, where unemployment is higher than the average for the country, and where there is a considerable concentration of Roma population. The basic principle underlying this Programme is the equality of all Bulgarian citizens, irrespective of age, sex or ethnic origin, in their access to the labour market. Unemployed persons are trained and retrained in free-of-charge courses to increase their education, to acquire professions and additional professional qualifications. With a view to enhancing the qualities and competitiveness of such persons, the Ministry of Labour and Social Care, in cooperation with the Roma Social Foundation, the Podkrepa Labour Confederation, and the ITUC (Independent Trade Unions Confederation), prepared this Programme, which includes the following modules:

1. Information and statistical analysis and sociological research of the unemployed;

2. Literacy and primary education classes;

3. Training and retraining;

4. Opening new jobs and labour market orientation of trained and retrained graduates;

5. Ensuring temporary jobs.

81. In 1993-1994 the Programme was tried as a pilot project for Stolipino Borough of the city of Plovdiv. It was financed by the Training, Retraining and Unemployment Fund of the Ministry of Labour and Social Care which allocated the sum of 3,251,500 levas, with the Ministry of Education, Sciences and Technology providing 25,000 levas and the Plovdiv City Municipality 67,880 levas. In 1993-1994, 45 Romas attended primary education classes for adults, approved by the Ministry of Education, Sciences and Technology. There were also primary education evening classes for the unemployed with a seventh grade education in which 35 Romas were enrolled. Fifty-five unemployed Romas attended training and retraining classes under module 3 of the Programme. The Council of Europe Social Fund, the European Union PHARE Fund and the LIEN Programme have been requested to provide additional funding for module 4 but, regrettably, none has been made available. A total of 490 persons have been temporarily employed under module 5.

82. In 1995 the Programme was launched for jobless Romas in the region of the city of Pazardjik; 113 jobless Romas graduated the classes for literacy and for obtaining primary education (module 2), whereas 20 completed the training and retraining of module 3. The Training, Retraining and Unemployment Fund of the Ministry of Labour and Social Care spent 1,676,000 levas on the two modules.

83. A programme entitled From Social Care to Employment has been in effect in the towns of Vidin, Isperikh, Lom, Haskovo and Sliven, involving only the unemployed on social welfare. Plans are under way to extend the programme to other regions as well. There is another project, entitled Youth Employment National Programme, which is aimed at raising professional qualifications and at retraining young specialist and skilled workers of enterprises scheduled to be either restructured or closed down under the economic reforms. The same programme provides elementary and primary education to young people without any skills, and trains and reorients young people with a secondary or university education. The programme also provides training to young people on how to begin their own business.

84. As stated above, Bulgarian citizens are free to associate (art. 44 of the Constitution). This guarantee is rendered even more specific with respect to the right of workers and employees to form their own trade unions (art. 49 of the Constitution). This principle is further guaranteed by the Labour Code which in article 4 (1) and article 33 (1) stipulates that "citizens are free to associate in trade unions in order to express and defend their interests in the field of labour employment". Article 33 (2) states that trade unions and associations are voluntary organizations uniting workers, irrespective of their political views, nationality, race, sex, religion, material and social or official status.

85. Trade unions in the Republic of Bulgaria conduct their activities in accordance with their statutes. They are completely independent of the State and employers. This is confirmed also by the fact that a trade union becomes a legal entity on the very day of its creation without being obliged to register or to receive approval from official authorities. Following 1989, certain functions have been revoked in trade union statutes because they are not in conformity with their activities, such as the initiative to introduce

bills in Parliament, to exercise trade union control over the implementation of labour legislation, participation in drafting such legislation and in its implementation. There are several trade unions in the Republic of Bulgaria:

ITUC (Independent Trade Unions Confederation), established in 1994;

Podkrepa Labour Confederation, established in 1993;

Free Trade Unions Association in Bulgaria and General Headquarters of Branch Trade Unions, established in 1994;

Democratic Trade Unions Alliance, established in 1994;

Unity People's Trade Union, established in 1993.

86. The rights to work, to medical care and to social security are guaranteed by the Constitution and legislation for all persons irrespective of their national and ethnic origin, race, sex, etc. This guarantee is provided in articles 48, 51 and 52 of the Constitution, as well as in the Public Health Law, the Labour Code, Decree No. 3 on Medical Treatment of Foreign Citizens, the Rules for granting work permits to foreigners, the Law on Foreigners Residing in the Republic of Bulgaria, etc.

87. The Constitution (art. 53) guarantees to everybody the right to education without any distinction on account of national and ethnic origin, race, sex, etc. This article stipulates that school education is mandatory up to the age of 16, that primary and secondary education are free of charge in State and municipal schools, and even in State universities under certain conditions, that universities shall be academically autonomous, that citizens and organizations can set up schools by following the procedure established by law, that curricula shall correspond to the State requirements, that the State shall promote education and create and finance schools, help and assist talented pupils and students, create conditions for vocational training and retraining and shall exercise control over all types and levels of schools.

88. The Bulgarian language is compulsory in schools because article 3 of the Constitution proclaims it as the Republic's official language. Article 36 (1) stipulates that "the study and use of the Bulgarian language shall be the right and obligation of every Bulgarian citizen", while article 36 (2) proclaims that "citizens whose mother tongue is not Bulgarian shall have the right to study and use their own mother tongue together with the mandatory study of the Bulgarian language". Article 8 (2) of the Law on National Education as well as Council of Ministers' Decree No. 223 of 1992, provide practical arrangements for the study of the mother tongue in municipal schools. The Law on National Education and its rules of procedure (State Gazette No. 3, dated 10 January 1995) and the Law on Higher Education explicitly prohibit any restrictions or privileges on account of national and ethnic origin, race, sex, religion and material and social status. Teaching ideological or religious doctrines in schools is inadmissible. Teachers are strictly instructed not to encroach on the human and civil rights of pupils, not to degrade their personal dignity and not to resort to physical punishment or psychological harassment.

89. Ethnic languages are freely used in family and society, as well as in cultural and religious festivities services. The Ministry of Education, Sciences and Technology uses school textbooks published in ethnic languages. It also uses textbooks imported from other countries. Mother tongue education is taught four hours weekly, from the first to the eighth grade, in municipal schools. Mother tongue education is regulated by the Law on National Education, the Council of Ministers' Decree No. 183, dated 5 September 1994 (State Gazette, dated 9 September 1994), Instruction No. 4 of the Ministry of Education, Sciences and Technology, dated 27 October 1994, and Instructions for Organizing the Functioning of General Schools (Sofia, 1995).

	Mother tongue studies			
	Hebrew	Armenian	Roma	Turkish
Number of teachers	17	18	10	844
Number of pupils	1 690	968	499	46 403

According to official data supplied by the Ministry of Education, Sciences and Technology, there are also officials belonging to different ethnic groups on its staff and in regional inspectorates:

Ethnic group	Number of persons	Position
Turkish	1	chief inspector
	5	expert
Roma	1	expert
Jewish	1	expert
Armenian	1	department head
	1	expert

90. The latest (fifteenth) Census of Population in the Republic of Bulgaria was completed on 4 December 1992. The final data and information were published in eight volumes concerning the population and three volumes concerning housing conditions.

91. The basic terminology used by the National Statistical Institute to determine the ethnic and demographic composition of the Bulgarian population in the census included ethnic group, mother tongue and religion. According to the definition accepted by the National Statistical Institute, an ethnic group is "a community of persons related by origin and language and having a common way of life and culture". The census was taken in conformity with the United Nations methodology and the recommendations by international statistical organizations regulating census principles, objectives and purposes. They do not contain any fixed definition of the term "ethnic group". For this reason the term used in the Republic of Bulgaria is rather broad. It is generally accepted that the awareness of belonging to a

particular ethnic group is motivated by such factors as a common language, religion, way of life, traditions and habits, historic fate, etc. The principle employed in this particular case, which proved to be a decisive one, is the personal statement or self-identification of the individual. A number of ethnic groups were specifically included in the census application form prepared by the National Statistical Institute.

92. On 4 December 1992 the total population of the Republic of Bulgaria, according to the official data of the National Statistical Institute, amounted to 8,487,317, out of whom 4,170,622 were men and 4,316,695 women. The table below contains data related to the 10 most numerous ethnic groups of the Bulgarian population:

		Urban	Rural
TOTAL POPULATION	8 487 317	5 704 552	2 782 765
Bulgarians	7 271 185	5 209 060	2 062 125
ETHNIC GROUPS			
Turkish	800 052	253 119	546 933
Roma	313 396	163 896	149 500
Russian	17 139	14 284	2 855
Armenian	13 677	13 417	260
Arab	5 438	4 687	761
Wallachian	5 159	2 043	3 116
Karakachan	5 144	3 707	1 437
Greek	4 930	4 711	219
Tatar	4 515	2 045	2 470
Jewish	3 461	3 296	165

93. As far as the Bulgarian citizens of Turkish origin are concerned, they had all their human rights and fundamental freedoms fully restored following the disastrous events of the period 1984-1989 caused by the political and administrative repressive measures of the totalitarian regime. As a result, more than 300,000 of them emigrated to the Republic of Turkey. Since then all necessary prerequisites have been created in order to enable these Bulgarian citizens to participate fully in the political life and the governing of the country. They have been given the right and freedom to restore their former names by virtue of the Law on Names of Bulgarian Citizens (1990).

94. The housing problems of the Bulgarian citizens of Turkish origin who emigrated before 10 November 1989, and whose houses were taken by the former regime, have been resolved to a great extent. Two decrees of the Council of Ministers, adopted in 1990 and 1991, together with the special law restoring property rights and real estate, terminated all violations of human rights

and fully compensated those Bulgarian citizens. An important part was also played by the law on amnesty and release from serving time under imposed sentences (1990) which exonerated those who had challenged the policy of forced assimilation pursued by the former regime; they were mainly Bulgarian citizens of Turkish origin or Bulgarian citizens belonging to the Muslim religion.

95. All restrictions on religious rights and freedoms of Bulgarian citizens of Turkish origin and Bulgarian citizens of Muslim religion have been lifted. At present there are more than 920 mosques conducting regular services in the Republic of Bulgaria, with a good number of them having been built over the past five or six years. The Koran is available in Bulgarian and Turkish without any obstacles just like other religious literature in the two languages. Since 1991 mosques have been operating Sunday religious schools. There are now four secondary Muslim schools and one Islamic college.

96. Restrictions have also been lifted with regard to the use of the mother tongue, a right restored to members of other ethnic groups as well. Persons belonging to such groups are free to disseminate any information in their mother tongue. There are no restrictions on importing fiction and religious literature, as well as maintaining personal contacts with members of the same ethnic, religious and linguistic groups living in other countries. Since 1991 weekly four-hour classes teaching Turkish have been introduced in schools. Teachers in Turkish are being trained in the college in Kardjali, which is a branch of the Paissii Khilendarski University in Plovdiv. Kliment Ohridsky University in Sofia and the university in Shoumen have restored the study of Turkish philology. Seventy-five students will be admitted in the 1996/97 school year, who will major in Turkish philology, with State guarantees for jobs upon graduation. The Ministry of Education, Sciences and Technology will provide schools with 16 different textbooks and two dictionaries, published in Turkish and adapted for Bulgarians.

97. Newspapers and magazines in Turkish have resumed publication. Local radio stations in some of the regions with predominantly Bulgarian citizens of Turkish origin broadcast part of their programmes in Turkish. The Bulgarian National Radio has daily broadcasts in Turkish. The Bulgarian National Television has none as yet.

98. There are no legal or political obstacles for Bulgarian citizens of Turkish origin to organize cultural and educational functions, to create organizations, libraries and reading rooms, performing arts groups, artistic unions and cultural centres, to preserve and promote their culture.

99. The Movement for Rights and Freedoms (MRF) was created in 1990 as a political organization proclaiming its intention to fight for the protection of rights, freedoms and interests of Bulgarian citizens of Turkish origin and Bulgarian Muslims in the Republic of Bulgaria. The MRF also announced that it intended to uphold the interests and rights of Bulgarian citizens in general, although its framework as a whole remained narrowed down to the Bulgarian citizens of Turkish origin and Bulgarian citizens belonging to Islam.

100. The MRF has taken part in all three general parliamentary elections and two local elections (for mayors and municipal counsellors) held in Bulgaria since the end of 1989. It has managed to get its representatives elected to Parliament where it has its parliamentary faction. Prime Minister Prof. Luben Berov and his Cabinet, who were in office between December 1992 and September 1994, were elected on the basis of the MRF mandate.

101. The MRF had 23 members out of a total of 400 deputies in the seventh Grand National Assembly (Constitutional Assembly), elected on 10 June 1990. The MRF had 24 members (22 men and 2 women) out of a total of 240 deputies in the thirty-sixth National Assembly elected on 13 October 1991. The MRF has 15 members (13 men and 2 women) out of a total of 240 deputies in the thirty-seventh National Assembly, elected on 18 December 1994. The two women are university graduates whereas 11 of the men are university graduates and the other 2 are college graduates. At present the MRF has 24 mayors and several hundred municipal counsellors elected in the local elections on 29 October and 12 November 1995.

102. In recent years certain political circles alleged that a campaign was under way to force Bulgarian Muslims to proclaim themselves of Turkish origin and to change their names to Turkish ones. There were reports that Imams who had identified themselves to be of Turkish origin refused to perform burial services of Bulgarian Muslims because the latter had retained their Bulgarian names. In 1993 Parliament officially announced the census in the village of Satovcha as null and void, on the grounds that the villagers had been coerced to identify themselves as belonging to certain ethnic groups.

103. Since 10 November 1989 Bulgarian citizens of Roma origin have had their human rights and freedoms restored, including the right to identify as Roma, to move freely within the country, to contact Roma communities in other countries, to promote their culture. Since 1992 Roma children have been able to study the Roma language and the history of Roma culture in schools, for the first time ever in the history of Bulgarian education. The first textbooks in Roma have been published. The Bulgarian UNICEF National Committee has prepared additional textbooks on the history of Roma culture and on Roma and Bulgarian customs and traditions. The greatest difficulty, however, is finding and training teachers knowledgeable in the Roma language and able to teach it.

104. As a result of the radical changes and the transition towards a market economy, the Romas in Bulgaria at present are in a very difficult social and economic situation. Many of them are on the verge of mere subsistence. Because of insufficient education and professional training three fourths of the able-bodied Romas are unskilled labourers and one fifth are semi-skilled workers. Only one tenth of the Romas are skilled and highly qualified. This, of course, directly affects Roma employment. The percentage of unemployed able-bodied Romas is absolutely staggering, 75 per cent on the average, the lowest being in Sofia, 62 per cent, and the highest being in rural areas, 81 per cent. This is a consequence of the closure of cooperative farms between 1992 and the end of 1994. Many Romas found themselves jobless, and because, with very few exceptions, they never owned any land, or only very small plots, they were not able to benefit from land restitution.

105. The living conditions of the Romas are extremely poor. A large percentage of Roma children of school age do not attend classes or drop out. There are regions in the country where this percentage ranges between 40 and 70 per cent. The Ministry of Education, Sciences and Technology has been experimenting with new projects the aim of which is to spur Roma children's interest in regular class attendance. The first results are rather encouraging. In a survey carried out in 350 schools throughout Bulgaria 10 per cent of the pupils are Roma. The emphasis is being placed on training them to acquire various vocational skills and professions for textile, metal-processing, timber and other industries.

106. Hunger, poverty and lack of job opportunities have compelled many Romas to reassess their traditional values and norms of behaviour. Stealing and cheating are on the increase and have already become steady means of survival. The crime rate, according to data provided by the Ministry of the Interior, is significant: 37 per cent of all crimes in the country have been perpetrated by Romas. The number of homeless Romas as well as prostitution involving minors are increasing. This generates, though completely unjustifiably, a negative attitude towards the Romas. Again, according to the Interior Ministry's data, there is a growing tendency among Bulgarians to move out of Roma neighbourhoods and settlements because of being subjected to systematic thefts, threats, and persistent fear of physical assaults and threats of having their property ransacked and destroyed. Romas have attacked uniformed policemen and military servicemen. It is obvious that the Bulgarian society finds it difficult to overcome prejudices against Romas. Overcoming existing bias and prejudice could be achieved only by improving the social and economic conditions of Romas which will enable them to have better opportunities to realize their potential and to become equal to the other Bulgarian citizens. All this will, however, necessitate more concerted and large-scale efforts by the authorities.

107. A number of Roma leaders are aware that negative stereotypes towards the Romas continue to hinder Roma intelligentsia from being elected to high positions in major political parties in the country. Romas participate in the political life in Bulgaria through political parties represented in Parliament and outside it. They have four nation-wide and a dozen regional organizations aimed at preserving and promoting Roma culture and Roma social and economic rights.

108. In defining basic human rights and fundamental freedoms of the individual, the Constitution and legislation are based on the principle of non-discrimination (art. 6 of the Constitution). As a matter of principle, these rights and freedoms are not guaranteed to any particular ethnic group but they apply to all citizens under the jurisdiction of the State. Bulgarian legislation does not recognize collective human rights; it recognizes only individual human rights and freedoms to all persons without any restrictions based on national and ethnic origin, race, sex, religion, education, convictions and beliefs, political affiliation, personal and social status or material status. Individual rights are equal for all. The term "national minority" appears neither in the Constitution nor in legislation.

109. Persons belonging to different ethnic, religious and linguistic groups in the Republic of Bulgaria are fully entitled to set up their non-governmental, cultural and religious organizations and institutes, to promote their culture, to practise their religion and to use their mother tongue. Persons belonging to those groups are entitled to the same civil, political, economic, social and cultural rights as the rest of the Bulgarian citizens. At present there are members of Parliament of Turkish origin, Jews and one Roma. Persons belonging to ethnic groups occupy high positions in the State and Government, banking, financial and business circles; there are also mayors and local municipal counsellors.

Article 6

110. Chapter Six of the Constitution, entitled "Judiciary", sets out the obligations of the State to ensure that all citizens and non-citizens in the Republic of Bulgaria enjoy the same legal rights. The Constitution set out a three-year period for the National Assembly to adopt legislation having a direct bearing on the protection and promotion of human rights. Human rights provisions in the Constitution are directly applicable in Bulgarian courts which means that they can be fully applied even without specific legislation.

111. The observance of, and respect for, human rights is a constitutional obligation of the judiciary, as well as of the national and local administrative organs.

112. There are a number of independent non-governmental organizations, officially registered in court, which monitor the protection and encouragement of basic human rights and fundamental freedoms of the individual.

113. An important element of the legislative system is the judiciary, which in accordance with article 17 of the Constitution guarantees the right to ownership and inheritance, proclaims that property is private and public, that private property is inviolable, that the regime covering State and municipal properties shall be established by law.

114. The protection of human rights of citizens is carried out ex officio by the judiciary without the submission of an official complaint by a plaintiff. Court procedures require that certain kinds of violations are brought specifically by plaintiffs to the attention of the court. Although State organs are obliged to act ex officio in protecting citizens from violations of their rights, any citizen who believes that his/her rights have been violated may request the intervention of a competent State organ. In case the request is not addressed to the proper body, it shall be forwarded to the competent body through official channels.

115. Article 360 of the Labour Code was amended in 1992 to allow labour disputes also to be considered by the courts.

116. The Constitutional Court is a new institution outside the judiciary, and some of its functions bear directly on a whole range of human rights and freedoms. The Court's basic function is to give mandatory interpretation of the Constitution and to rule on challenges of the constitutionality of laws and other acts by the National Assembly and by the President of the Republic.

The Court shall rule on disputes challenging the respective competency of the National Assembly, the President of the Republic and the Council of Ministers, as well as of local government organs and the central executive branch of government. The Court shall also rule, prior to ratification, whether international treaties concluded by the Republic of Bulgaria are compatible with the Constitution, and also whether domestic laws are in conformity with universally recognized norms of international law and international treaties ratified by Bulgaria. The Court shall rule on challenges to the constitutionality of political parties and associations, on challenges to the legality of elections for a President and a Vice-President of the Republic and for members of the National Assembly. The Court shall rule on charges by the National Assembly against the President and the Vice-President of the Republic. The powers of the Constitutional Court shall neither be vested nor revoked by a law.

117. Any citizen whose rights have been violated or are continually violated can demand an end to such violations, restoration of his/her violated rights, and monetary or moral compensation. The kind of compensation is determined by the nature of the specific violation, its duration, the possibility of restoring the rights thus violated and other circumstances. There are different ways and means of restoring violated rights and freedoms of citizens. In such cases a citizen can seek redress either by the Supreme Court or by lower State organs which are vested with such functions. Certain non-governmental organizations also have a role with their monitoring functions.

118. The courts are the most widely used and efficient method of protection of human rights. There is nothing in Bulgarian legislation that can place any restrictions on citizens seeking legal protection for their rights. Any citizen can file a lawsuit in courts seeking restoration of his/her violated rights, or to determine whether a special right which is in his/her own interest does, or does not, exist (art. 97 of the Code of Civil Procedure). Persons committing violations which do not constitute criminal offences under the law shall be subject to civic, administrative or disciplinary liabilities.

119. The prosecution also has special functions in the field of protection of the rights and freedoms of the individual. One of its obligations is to defend the rights and legitimate interests of citizens. This function is performed through a review of the legality and judicial investigation of perpetrators, and also by taking measures to repeal unlawful acts and to restore violated rights. The prosecution's functions cover not only Bulgarian citizens but also all persons within its sphere of competence.

120. The constitutional principle of equality before the law has been further enhanced in more specific terms in court proceedings where the principle of equality of all sides to a particular lawsuit is fully manifested. Article 10 of the Code of Criminal Procedure states that "all citizens who are parties to a criminal lawsuit are equal before the law. There shall be neither privileges nor restrictions on account of national or ethnic origin, religion, sex, race, education, social and material status. The courts and investigative authorities shall apply the law strictly and equally for all citizens".

121. Another important principle in Bulgarian judicial practice is openness in trying criminal lawsuits. Anyone may attend a trial, including media representatives. The mass media are a further source of ensuring openness. Exceptions to this principle are confined only to those cases listed in the Code of Criminal Procedure. Trials in camera shall be held only in cases where the nature of the lawsuit constitutes a State secret, or for reasons to preserve public morals or whenever necessary to prevent a person's private life from being made public (art. 262 of the Code of Criminal Procedure). Cases involving minors shall also be conducted in camera unless the court decides otherwise.

122. Any court sentence may be appealed before a higher court: regional court sentences may be appealed before district courts, and the latters' sentences and/or decisions before the Supreme Court. Apart from appeals, those convicted may seek retrial by requesting a review or reopening of the criminal case, and also by requesting repeal of civil lawsuit sentences. If the Supreme Court finds sufficient legal grounds it may reverse a verdict and return the case for retrial.

123. Under the Law on State Liability for Harm/Damages Inflicted on Citizens, a person wrongly detained or convicted or having served time in prison shall be entitled to compensation. That person must file a lawsuit for the purpose. A person wrongly sentenced may announce in the media that the verdict has been repealed and that he/she has been acquitted.

124. Anyone is entitled to file an individual complaint under the international treaties ratified by the Republic of Bulgaria which provide for such a procedure.

125. There is a prevalent view that problems related to the protection of human rights are generally resolved legally in a satisfactory way. There are, however, certain shortcomings and even a few violations in the process of the practical implementation of the laws both in the day-to-day interrelations between authorities and citizens and among citizens as well. There are no problems in putting into effect sentences and/or decisions of the courts demanding restoration of violated human rights. The failure to carry out such sentences and/or decisions is subject to stiff legal sanctions. On the other hand, problems may arise in out-of-court arrangements for human rights protection.

126. Eminent Bulgarian jurists are of the view that the protection of human rights by means of the criminal law requires comprehensive and more specific measures, based on the Constitution, so that the rights and freedoms of the individual as proclaimed by the Constitution are better and more effectively protected. In this respect there are great expectations that the pending amendments to the Penal Code will serve the purpose.

Article 7

127. State, judicial, legislative, administrative, public and non-governmental authorities and organizations continue to focus on problems of racial discrimination and to channel the attention of Bulgarian society and citizens, as well as foreigners residing in the country, to the necessity of waging a

constant struggle with racial prejudices, and for eliminating and thwarting acts of racial discrimination. Understanding, tolerance and friendship among different nations, and among different ethnic groups, are important elements in the activities of the executive, legislature and judiciary in Bulgaria. Bulgarian public opinion believes that the lack of ethnic confrontation in the country since 10 November 1989 is due to enormous efforts and political wisdom displayed by all political and social forces in society. This situation is popularly referred to as the "Bulgarian model" of ethnic tolerance, which is a further guarantee for the equality and elimination of discrimination among Bulgarian citizens irrespective of their ethnic origin, race, colour, sex, etc.

128. The Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are included in the subjects taught in the higher school grades. Universities and colleges have separate courses on human rights with a focus on international human rights instruments.

129. The United Nations two-volume compilation of international human rights instruments was translated into Bulgarian and published with the cooperation of the Centre for Human Rights in Geneva in 1992.

130. In June 1995 a National Council on Social and Demographic Questions was set up as an organ of the Council of Ministers in order to help the Cabinet carry out an active policy in the social, demographic, cultural and educational fields in compliance with the international human rights instruments mentioned above, and the European Social Charter.

131. As far as education and teaching are concerned, the current report provides information on the implementation of article 5 of the International Convention, more particularly in paragraphs 87-89.

132. Different ministries and departments have been conducting, within their sphere of competence, periodic courses for enhancing the qualifications of teachers, college and university lecturers, judges, prosecutors, police and prison officials. There are also annual seminars, conferences and workshops for training law-enforcement officials and those in charge of maintaining public order in contemporary international standards of professional attitude and ethics, in the protection and promotion of basic human rights and fundamental freedoms of the individual. In this respect a number of seminars were held in May 1995 with senior police officials, organized by "PHARE-Democracy", with experts from the Council of Europe and Bulgarian university professors.

133. As a whole, the mass media convey tolerance with regard to various strata of the population. The National Television has shown several television and other films dealing with ethnic and religious tolerance and with problems of refugees, etc. The films on ethnic and religious tolerance have received a wide response from Bulgarian public opinion and have deepened public discussion on problems of equality between the majority of Bulgarian citizens and those belonging to various ethnic and religious groups.

134. Persons belonging to various ethnic, religious and linguistic groups have their own societies and associations. Bulgarian citizens of Turkish origin publish the newspapers Prava i Svobodi (Rights and Freedoms), Musulmans, Gyuven (Trust) in Bulgarian and Turkish, as well as a newspaper for children, Shtourche (Little Cricket), in Turkish and Bulgarian. They have a cultural society called Alev. Cultural activities, mainly concerts by amateur folk-and-dance groups, performing arts festivals, etc. are frequently held in various regions. Bulgarian citizens of Roma origin have five national organizations: United Roma Alliance, Confederation of Romas in Bulgaria, Roma Democratic Union, Federation of United Roma Communities and Roma Union for Social Democracy. The Russian community's organization is called the Society of White Russians and Their Descendants in Bulgaria. It publishes the Belaya Volna (White Wave) newspaper in Bulgarian and Russian. Erevan is the organization of Armenians in Bulgaria. It publishes two newspapers, Erevan and Armenia, in Armenian and Bulgarian respectively. The Armenian theatre is being revived. Armenian is studied in some schools in Sofia and Plovdiv. The Wallachians have their own association in Vidin. They publish the newspaper Timpul (Time) with parts of it in Romanian and Bulgarian. The Karakachans also have a cultural organization. The Tatars have an association called Asabai in Silistra. The Jews have two organizations, Shalom and Zion. They publish a newspaper, Evreiski vesti (Jewish News) in Bulgarian. Hebrew is taught in one school in Sofia. The Jewish Cultural Centre and the Shalom Publishing House are both in Sofia.

135. The National Assembly and in particular its Commission on Radio, Television and Mass Media has been drafting a press bill for some time now. It has not been yet finalized and is yet to be adopted by Parliament. A heated discussion is going on both in the parliamentary commission and public opinion in the country: under discussion are the purposes and provisions of the bill, whether there is a need for a press law at all, and, if so, whether it would limit the freedom of expression or would rather provide a legal framework to guarantee against deliberate speculations and distortions and against attempts to use the mass media for political, economic and other vested interests.

136. There are isolated articles in some independent dailies and magazines which, intentionally or not, make use of certain terminology thus implying discriminatory attitudes towards one or another ethnic group. Sometimes the Romas are referred to in such articles as "dark-skinned Bulgarians", which is an allusion to a distinction by colour among Bulgarian citizens. Apparently, the meaning of articles 1 (1), 4 and 7 of the International Convention does not seem to have been completely grasped by some journalists.